

## Article - Public Safety

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§13A–709.

(a) A person may not, without the consent of the person, be tried a second time for the same offense.

(b) A proceeding in which an accused has been found guilty by a court–martial on any charge or specification is not a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

(c) (1) A court–martial with a military judge alone is a trial in the sense of this section if, without fault of the accused, after introduction of evidence and before announcement of findings under § 13A–718 of this subtitle, the case is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses.

(2) A court–martial with a military judge and members is a trial in the sense of this article if, without fault of the accused, after the members, having taken an oath as members under § 13A–707 of this subtitle and after completion of challenges under § 13A–706 of this subtitle, are impaneled, and before announcement of findings under § 13A–718 of this subtitle, the case is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses.

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